

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FELICIA GOSSETT,

Plaintiff,

vs.

JASON'S DELI,

Defendant.

8:23CV189

**FINAL PROGRESSION ORDER
(AMENDED)**

Plaintiff filed a Motion to Continue the Progression Order ([Filing No. 30](#)) in follow-up to an oral request to amend the progression order, namely, the deposition deadlines, in an April 2, 2024 telephone conference with the Court. During the telephone conference, Defendant indicated such request was opposed.

As a threshold matter, the Court notes the deposition deadline set forth in the current Progression Order in this matter ([Filing No. 13](#)) is April 1, 2024. This deadline has not been extended at any party's request since the inception of this case and only expired one day before the status conference with the Court and, thus, Plaintiff's oral request to extend deadlines. After consideration of the standard set forth in [Fed. R. Civ. P. 16](#), including good cause, Plaintiff's diligence, and potential prejudice to Defendant, the Court grants Plaintiff's motion and modifies the Progression Order as follows. See [Yang v. Robert Half Int'l, Inc.](#), 79 F.4th 949, 960 (8th Cir. 2023), *reh'g denied*, No. 22-2592, 2023 WL 6313679 (8th Cir. Sept. 28, 2023); [Marmo v. Tyson Fresh Meats, Inc.](#), 457 F.3d 748, 759 (8th Cir. 2006).

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **May 28, 2024 at 11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is May 30, 2024. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by June 13, 2024.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is May 16, 2024.
 - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 10.
 - b. Depositions will be limited by Rule 30(d)(1).
- 4) The deadline for filing motions to dismiss and motions for summary judgment is June 14, 2024.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is June 14, 2024.
- 6) All deadlines not amended herein remain unchanged.

Dated this 5th day of April, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge